

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK DIVISION**

**U.S. SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

VUUZLE MEDIA CORP., et. al.

Civil Action No. 2:21-cv-01226-KSH-CLW

Motion Day: October 18, 2021

**PLAINTIFF U.S. SECURITIES AND EXCHANGE COMMISSION’S
MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Section 20(b) of the Securities Act of 1933 [15 U.S.C. § 77t(b)], and Section 21(d)(1) of the Securities Exchange Act of 1934 [15 U.S.C. § 78u(d)(1)], Plaintiff U.S. Securities and Exchange Commission (“SEC”), by and through its undersigned attorneys, hereby moves this Court for entry of a Preliminary Injunction that:

1. Preliminarily enjoins Defendants Vuuzle Media Corp. (“Vuuzle U.S.”), Ronald Shane Flynn, Richard Marchitto, and proposed Defendant Vuuzle Media Corp. Limited (“Vuuzle UAE”)¹ (collectively, the “Enjoined Parties”) from continued violations of the antifraud provisions of Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)], Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)], and Exchange Act Rule 10b-5 [17 C.F.R. § 240.10b-5], and Sections 5(a) and 5(c) of the Securities Act [15 U.S.C. §§ 77e(a) and (c)], and preliminarily

¹ As described below, Vuuzle Media Corp. Limited is named as a Defendant in our proposed Amended Complaint, which is being filed contemporaneously with this Motion.

enjoins Defendant Flynn from continued violations of Section 15(a) of the Exchange Act [15 U.S.C. § 78o(a)];

2. Directs the Enjoined Parties to provide verified accountings of all assets in their name or in which one or more of them has a beneficial interest, including, without limitation, identifying each of their accounts at a financial institution and any other person or entity holding assets in which they have a beneficial interest

3. Orders the Enjoined Parties to repatriate all funds received from investors that are presently held overseas;

4. Permanently restrains and enjoins the Enjoined Parties from destroying, altering, concealing, or otherwise interfering with the access of the Commission to relevant documents, books, and records;

5. Provides for alternative service on parties located overseas; and

6. Prohibits Defendant Marchitto from opening and/or controlling any financial accounts containing investor funds on behalf of Flynn or any Flynn-controlled entity.

The SEC notes that this Motion for Preliminary Injunction is being filed contemporaneously with a Motion for Leave to file an Amended Complaint, which, among other things, adds Vuuzle UAE as a defendant, adds Vumu Music LLC as a relief defendant, and amends the charges against Defendant Marchitto. The SEC recognizes that the initial Complaint filed on January 27, 2021 remains the operative pleading unless and until the Court grants the SEC leave to file its Amended Complaint. However, if the Court grants the SEC leave to file its Amended Complaint, the SEC respectfully requests that the relief requested herein be entered based on the charges against each party named in the SEC's proposed Amended Complaint, as

set forth in the proposed order the SEC files for the Court's convenience.

In support of this Motion, the SEC submits its Memorandum of Law, the supporting Declarations of Drew Isler Grossman, Jeffrey R. Anderson, Scott Robert Brinley, and Mark Hoffman, and the exhibits attached thereto.

September 15, 2021

/s/ Devon L. Staren

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CERTIFICATE OF SERVICE

I certify that on September 15, 2021, I filed the foregoing upon all counsel of record using this Court's ECF system, and upon Defendant Flynn using the email rflynn48@gmail.com.

/s/ Devon L. Staren

Devon L. Staren

Counsel for Plaintiff

U.S. Securities and Exchange Commission